

2003 DRAFTING REQUEST**Bill**Received: **07/24/2003**Received By: **pkahler**Wanted: **Soon**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**By/Representing: **himself**This file may be shown to any legislator: **NO**Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - marriage**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Gundrum@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Presscribing that marriage be between one man and one woman

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 07/24/2003	jdye 08/01/2003					
/1			jfrantze 08/01/2003		amentkow 08/01/2003	sbasford 08/06/2003 sbasford 08/06/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

*None
Needed*

<END>

2003 DRAFTING REQUEST**Bill**

Received: 07/24/2003

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Mark Gundrum (608) 267-5158

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - marriage

Extra Copies:

Submit via email: YES

Requester's email: Rep.Gundrum@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Presscribing that marriage be between one man and one woman

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 07/24/2003	jdye 08/01/2003					
/1			jfrantze 08/01/2003		amentkow 08/01/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST**Bill**Received: **07/24/2003**Received By: **pkahler**Wanted: **Soon**

Identical to LRB:

For: **Mark Gundrum (608) 267-5158**By/Representing: **himself**This file may be shown to any legislator: **NO**Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - marriage**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Gundrum@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Presscribing that marriage be between one man and one woman

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?

pkahler

1/8/03
JL
8/1
JL
8/1

FE Sent For:

<END>

7-24

Rep. Gundrum

redraft 99-4148 (limiting
re marriage to

one man and one woman)

but add "public policy" statement from

97S0165 in s. 765.001(2)

2003

Date (time)
needed

SOON
(7-24)

LRB - 3017, 1

BILL

PJK:jld:

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *✓ marriage between one man and one woman.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4148/1
PJK:cjs:jf

1999 ASSEMBLY BILL 781

February 22, 2000 - Introduced by Representatives GUNDRUM, LADWIG, MUSSEY, WOOD, SERATTI, ALBERS, GUNDERSON, GROTHMAN, LEIBHAM, F. LASEE, KESTELL, OWENS, JENSEN, PETTIS, GOETSCH, FREESE, NASS, SUDER, KREIBICH, VRAKAS, URBAN, PETROWSKI, HUEBSCH, HOVEN and KLUSMAN, cosponsored by Senators FITZGERALD, A. LASEE, HUELSMAN, SCHULTZ, ROESSLER, FARROW, DRZEWIECKI, ZIEN and LAZICH. Referred to Committee on Family Law.

1 **AN ACT** *to renumber and amend 765.01; and to create 765.01 (2), 990.01 (19p)*
2 *and 990.01 (39) of the statutes relating to: marriage between one man and one*
3 *woman.*

Analysis by the Legislative Reference Bureau

Current law provides that marriage is a civil contract that creates the legal status of husband and wife. The consent of the parties is essential, and the parties must have the legal capacity to enter into a contract. In addition, current law prohibits certain marriages, such as a marriage between persons who are nearer of kin than second cousins or a marriage in which at least one of the persons was divorced less than six months before the marriage. If a person who is prohibited from marrying in this state leaves the state for the purpose of contracting a marriage in a state where the marriage is valid, that marriage is void in this state. Such a person will be considered to have left this state for the purpose of marrying in the other state if he or she lived in this state within 12 months before marrying in the other state and resumed residence in this state within 18 months after leaving this state, or if he or she maintained a residence in this state the entire time that he or she was away.

This bill specifies that marriage is a civil contract between one man and one woman. The bill provides that only marriage between one man and one woman will be recognized as valid in this state, regardless of whether a marriage took place in a jurisdiction that defined marriage other than between one man and one woman as valid, and regardless of whether the statute regarding marrying in another state to circumvent the marriage laws of this state applies to a marriage. The bill also

ASSEMBLY BILL 781

provides definitions for "spouse" and "marriage" for purposes of statutory construction. A "spouse" is defined as a party to a marriage, and "marriage" is defined as a civil contract between one man and one woman that creates the legal status for the parties of husband and wife. *Insert A* ✓

Insert 2-1 → *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 SECTION 1. 765.01 ✓ of the statutes is renumbered 765.01 (1) and amended to

2 read:

Plain
3 **765.01** **A civil contract.** (1) Marriage, so far as its validity at law is
4 concerned, is a civil contract between one man and one woman, to which the consent
5 of the parties capable in law of contracting is essential, and which creates the legal
6 status of husband and wife.

7 SECTION 2. 765.01 (2) ✓ of the statutes is created to read:

8 765.01 (2) Regardless of whether s. 765.04 ✓ applies and regardless of whether
9 a marriage takes place in another jurisdiction in which marriage other than between
10 one man and one woman is defined as valid, only marriage between one man and one
11 woman shall be recognized as valid in this state.

12 SECTION 3. 990.01 (19p) ✓ of the statutes is created to read:

13 990.01 (19p) MARRIAGE. "Marriage" means a civil contract between one man
14 and one woman ✓ that creates the legal status for the parties of ✓ husband and wife.

15 SECTION 4. 990.01 (39) ✓ of the statutes is created to read:

16 990.01 (39) SPOUSE. "Spouse" means a party to a marriage. ✓
17

(END)

**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3017/ins
PJK:.....

INSERT A

not Finally, the bill adds, to an introductory statement in current law addressing the seriousness and significance of marriage, that it is this state's public policy that marriage may be contracted only between one man and one woman. ✓

(END OF INSERT A)

INSERT 2-1

✓
1 **SECTION 1.** 765.001 (2) of the statutes is amended to read:

2 765.001 (2) INTENT. It is the intent of chs. 765 to 768 to promote the stability
3 and best interests of marriage and the family. It is the intent of the legislature to
4 recognize the valuable contributions of both spouses during the marriage and at
5 termination of the marriage by dissolution or death. Marriage is the institution that
6 is the foundation of the family and of society. Its stability is basic to morality and
7 civilization, and of vital interest to society and the state. The consequences of the
8 marriage contract are more significant to society than those of other contracts, and
9 the public interest must be taken into account always. The seriousness of marriage
10 makes adequate premarital counseling and education for family living highly
11 desirable and courses thereon are urged upon all persons contemplating marriage.
12 The impairment or dissolution of the marriage relation generally results in injury
13 to the public wholly apart from the effect upon the parties immediately concerned.
14 It is the public policy of this state that marriage may be contracted only between one
15 man and one woman. ✓ Under the laws of this state, marriage is a legal relationship
16 between 2 equal persons, a husband and wife, who owe to each other mutual
17 responsibility and support. Each spouse has an equal obligation in accordance with
18 his or her ability to contribute money or services or both which are necessary for the
19 adequate support and maintenance of his or her minor children and of the other



1 spouse. No spouse may be presumed primarily liable for support expenses under this
2 subsection.

History: 1979 c. 32 ss. 48, 92 (2); 1979 c. 175 s. 53; Stats. 1979 s. 765.001; 1983 a. 186.

(END OF INSERT 2-1)

Kahler, Pam

From: Churchill, Jolene
Sent: Wednesday, August 06, 2003 2:20 PM
To: Kahler, Pam
Subject: What is the Senate LRB # (Sen. Fitzgerald) to our companion bill LRB 3017/1?

Could you jacket both bills and forward to our offices? Thanks!

-----Original Message-----

From: Churchill, Jolene
Sent: Wednesday, August 06, 2003 9:48 AM
To: Kahler, Pam
Subject: RE: What is the Senate LRB # (Sen. Fitzgerald) to our companion bill LRB 3017/1?

We are ALL set. Thanks and have a great day!

-----Original Message-----

From: Kahler, Pam
Sent: Wednesday, August 06, 2003 9:48 AM
To: Churchill, Jolene
Subject: RE: What is the Senate LRB # (Sen. Fitzgerald) to our companion bill LRB 3017/1?

That is correct. I just sent you a copy. Let me know if you do not receive it.

-----Original Message-----

From: Churchill, Jolene
Sent: Wednesday, August 06, 2003 9:47 AM
To: Kahler, Pam
Subject: RE: What is the Senate LRB # (Sen. Fitzgerald) to our companion bill LRB 3017/1?

Our assembly version is still 3017/1 correct? There was no /2, right?

-----Original Message-----

From: Kahler, Pam
Sent: Wednesday, August 06, 2003 9:44 AM
To: Churchill, Jolene
Subject: RE: What is the Senate LRB # (Sen. Fitzgerald) to our companion bill LRB 3017/1?

Jolene:

It is LRB-2957/2.

-----Original Message-----

From: Churchill, Jolene
Sent: Wednesday, August 06, 2003 9:23 AM
To: Basford, Sarah; Kahler, Pam
Subject: What is the Senate LRB # (Sen. Fitzgerald) to our companion bill LRB 3017/1?
Importance: High

Please jacket for the Senate (Fitzgerald)
and LRB-3017/1 for the
Assembly (Grundman)
Thanks!
Pam